

REMARKS

In the Office Action dated December 9, 2010, the Examiner rejects claim 8 under 35 U.S.C. § 112; rejects claims 23-28, 31 and 33 under 35 U.S.C. § 102(b); and rejects claims 1-11, 13-18 and 20-22 under 35 U.S.C. §103(a). With this Amendment, Applicant has amended claims 1, 3, 12, 23, 30, and 32. After entry of this Amendment, claims 1-18 and 10-33 remain pending in the Application. Reconsideration of the Application as amended is respectfully requested.

The Applicant wishes to thank the Examiner for the courtesies extended during the telephonic interview conducted on March 4, 2010. During the interview, the various cited references and rejections were discussed. Proposed claims were reviewed but no agreement was reached. Examiner Leo indicated that he would consider claim amendments.

Drawing Objection and Rejections under 35 U.S.C. § 112 first paragraph

The drawings have been objected to and claim 8 has been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claim 8 has been amended by this action. It is submitted that claim 8 as amended now comports with the written description requirement.

Allowable Subject Matter

The Examiner indicates that the subject matter of claims 30 and 32 would be allowable if rewritten in independent form to contain all limitations found in the base claim and any intervening claims. Claims 30 and 32 have been so amended.

Rejections under 35 U.S.C. §102(b)

The Examiner rejects claims 23-28, 31 and 33 under 35 U.S.C. § 102(b) as being anticipated by Gross. The Examiner contends that the the Gross reference discloses an elongated structure comprises a first conduit 130, a flexible elongated conduit 167 having a relatively rigid elongated reinforcing member 163, and an elongated cover. The first conduit and flexible conduit convey fluids in parallel, since they are coaxial.

Claim 23 has been amended. The Applicant's invention as set forth in claim 23 is directed to an assembly for providing temperature control for a fluid within a subject conduit conveying fluid in a fluid conveying direction. The assembly includes a) an elongated flexible cover; b) at least one temperature control conduit having a pair of opposed walls with one of said walls disposed proximate to the subject conduit and another of the pair disposed a spaced distance therefrom and a relatively rigid inner rib extending along

substantially the length of said temperature control conduit, said temperature control conduit disposed within said cover and configured to convey temperature control fluid in a temperature control fluid direction; and c) a releasable fastener to hold said cover around said subject conduit such that said temperature control conduit is in thermal communication with said subject conduit and the temperature control fluid direction and the subject fluid conveying direction are parallel to each other.

The Gross reference lacks any teaching or suggestion of at least one temperature control conduit having a pair of opposed walls with one of said walls disposed proximate to the subject conduit and another of the pair disposed a spaced distance therefrom and a relatively rigid inner rib extending along substantially the length of said temperature control conduit as well as a releasable fastener. The Gross reference lacks any teaching or suggestion of this structure.

The Applicant's invention as set forth in claim 23 is directed to a device in which the fastener holding the elongated flexible cover is releasable. The Gross reference lacks any teaching or suggestion of releasable fasteners.

Claims 24-29, 31, and 33 depend from claim 23 to contain all of the limitations found in claim 23. Claims 24-29, 31, and 33 are not taught, anticipated or rendered obvious by reason of this dependency.

Rejections under 35 U.S.C. §103(a)

The Examiner rejects claims 1-11, 13-18, and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Bohling in view of Williams. The rationale for this rejection is found in the Office Action at pages 4-6.

The Bohling reference teaches a device that is encased in cast aluminum. Williams is cited for the disclosure of a conduit with a reinforcing member. The reference fails to teach or suggest a device having a first conduit, a flexible, elongated temperature control conduit, and an elongated cover holding the temperature control conduit in thermal communication with the first conduit. Claim 1 has been amended to further specify that the cover has an outwardly oriented surface and an opposed inwardly oriented surface disposed radially inward thereof with the outwardly oriented surface of the cover in radial spaced relationship to the first conduit and defining a cavity spaced between the cover and the first conduit such that the flexible elongated conduit is positioned in said cavity.

Claims 2, 4, 6-11, and 13-16 depend from claim 1 to contain all of the

limitations found therein. By this dependency, it is submitted that the Applicant's invention as set forth in claims 2, 4-6, 8-11, and 13-16 is not taught, anticipated, or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 1.

The invention set forth in claim 3 further specifies that the temperature control conduit is composed of polymeric material. Such material would be impossible to use in the configuration disclosed in Bohling.

The Applicant's invention as set forth in claim 17 is directed to an elongated conduit for the transmission of temperature control fluids that includes 1) a flexible fluid-tight polymeric wall and 2) an axially and radially inwardly extending rib. The flexible fluid tight polymeric wall (1) has an internal channel (1a) that has at least two opposed wall members (1b and 1c). One wall member (1b) has a convex outer surface and an opposed wall member (1c) has a concave outer surface such that the opposed wall surfaces define an internal channel having a non-circular cross section. The axially and radially inwardly extending rib is more rigid than the wall.

The Bohling reference discloses a conduit that is encased in cast aluminum. Thus the reference directs the skilled artisan away from the use of a polymeric material in this application. The Williams reference is non-analogous art. The reference is directed to a non-steel fiber reinforced spoolable tubing for use in various heavy duty operations.

Claims 18 and 20-22 depend from claim 17 to contain all of the limitations found therein. By dependency, it is submitted that the Applicant's invention as set forth in claims 18 and 20-22 is not taught, anticipated or rendered obvious by the cited references.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohling in view of Williams and Sullivan. Claim 12 depends from claim 1 to contain all of the limitations found therein. Additionally, claim 12 has been amended to specify that the device includes a pair of polymeric temperature control conduits held on generally opposing sides of said first conduit and wherein said reinforcement member extends radially with respect to said first conduit and includes a generally planar reinforcement tab. It is submitted that the cited references fail to teach or suggest these elements.

Conclusion

It is submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the Application as

amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present Application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Denise M. Glassmeyer", is written over the printed name.

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